

TAB E

WOLFF • SAMSON

DAVID SAMSON
ARTHUR S. GOLDSTEIN*
ARMEN SHAHMAN*
JEFFREY S. CHIESA
GAGE ANORETTA*
DANIEL A. SCHWARTZ*
JOHN J. SCALLY, JR.*
KENNETH N. LAPTOOK*
FREDRIC P. LAVINTHAL
DAVID M. HYMAN*
DAVID L. SCHLOSSBERG
ROGER J. BREENE
BERNARD S. DAVIS
HOWARD J. SCHWARTZ*
PAUL M. COLWELL
ROBERT E. NIES
MORRIS BIENENFELD*
DENNIS M. TOFT
JEFFREY M. GUSOFF*
LAURENCE M. SMITH
WILLIAM E. GOYDAN*
PETER E. NUSSBAUM
LORI GRIFA*
ADAM K. DERMAN
JEFFREY M. WEINICK*
A. ROSS PEARLSON*
MICHAEL J. NAUGHTON*
GEORGE A. SPADORO*
JOHN F. CASEY

JAMES D. FERRUCCI
JOHN A. MCKINNEY JR.
DARRYL WEISSMAN*
MICHELLE A. SCHAA*
ADAM P. FRIEDMAN*
MITCHELL S. BERKEY*
CATHERINE P. WELLS
JONATHAN BONDY*
SEAN M. AYLWARD
JOHN G. VALERI JR.
ROBERT H. CRESPI*
JAMES P. RHATICAN*
JILL D. ROSENBERG*
JOHN O. LUKANSKI*
ROXANNA E. HAMMETT
RONALD L. ISRAEL*
MATTHEW E. BECK*
RHONDA CARNIOL*
ADAM B. CANTOR*
MARGARET WOOD*
DORIT F. KRESSEL*
THOMAS J. TRAUTNER JR.
ROBERT L. HORNB*
STEPHEN A. KISKER*
TRICIA M. GASPARINE
NICOLE F. DIMARIA
KIRAN V. SOMASHEKARA*
TODD W. TERHUNE

COUNSEL

AARON D. BASSAN
JOSEPH ZAWILA
HOWARD K. UNIMAN
STEVEN S. KATZ*
JUNE S. MELLER*
ANDREW S. KENT*
ERIC J. LEVINE*
STEPHEN G. CORDARO*
WARREN BARROWS*
DONNA M. EHEM
JOHN P. MALONEY*
MARC R. LEPELSTAT*
BRUCE D. ETTMAN*
CARLOS G. MANALANSAN*
DANIEL D. BARNES*
DANA L. BUONGIORNO
CHRISTOPHER R. PALDINO
JOSHUA M. LEE
RICHARD PLUMPTON
DAVID M. DUGAN*
ELISAM, PAGANO
RACHEL C. SANTARLAS*
STEVEN M. DIPASQUO*
MELISSA A. SALIMBENE*

OF COUNSEL

THOMAS R. O'BRIEN*
CARL B. LEVY
MYRNA BLUME

ASSOCIATES

WILLIAM R. FINIZIO
ANDREW A. NOBLE**
DENISE J. PIPERSBURGH*
DANIEL T. MCKILLOP
FARAH N. ANSARI*
XAVIER M. BAILLIARD*
MARIE L. MATHEWS*
C. NICOLE SULLIVAN*
DARREN GRZYB*
BETH J. ROTENBERG*
BRIAN KANTAR*
JAMES M. VAN SPLINTER*
CHRISTOPHER W. GEROLD*
ELIZABETH C. YOO*
PATRICIA D. CLEARY*
MAURO G. TUCCI JR.*
ARI S. DAVIS*
MICHAEL R. CARUSO*
WILLIAM J. CANNICI JR.*
LAUREN R. DEMAURO

PATRICK O'REILLY*
LINDSAY A. DISCHLEY*
JOSEPH G. FENSKE*
MARISA A. RAUCHWAY*
MICHAEL K. PLUMB*
MICHAEL G. GORDON*
CELINE L. BARAKAT*
SCOTT C. HOLLANDER*
SCOTT W. LICHTENSTEIN*
KELLY E. BRAUNSTEIN*
RAFAEL E. ROSARIO, JR.*
SHEILA JAIN*
MELISSA A. BROWN
RYAN W. FEDERER*
MINDY P. FOX*
BRIAN P. O'NEILL*
OLEG A. MESTECHKIN**
MELISSA I. FALK WERNICK*
REBECCA VALENCIA*
RICHARD A. CHENG**
BRIGITTE M. GLADIS
BARRY S. SOBEL
CASEY A. MILIANTA
DAVID FALK

PATENT AGENT

BRYMER H. CHIN
KINZA HECHT

PETER E. NUSSBAUM

One Boland Drive
West Orange, NJ 07052
(973) 530-2025
Fax: (973) 530-2225
pnussbaum@wolffsamson.com

* MEMBER NJ AND NY BARS
* MEMBER NY BAR ONLY
* MEMBER MA BAR ONLY
* REGISTERED PATENT ATTORNEY
MEMBER NJ BAR ONLY UNLESS OTHERWISE DENOTED

April 16, 2014

VIA FIRST CLASS MAIL and EMAIL

info@jerseyboardwalkpizza.com/info@boardwalkfranchising.com

Mr. Paul DiMatteo

Jersey Boardwalk Franchising Company
701 S. Homestead Blvd.
Homestead FL, 33030

Re: Our File: 15154.0033
NJTA v. Jersey Boardwalk Pizza

Dear Mr. DiMatteo:

This firm represents the New Jersey Turnpike Authority ("NJTA") in connection with its intellectual property matters.

NJTA is the owner of the iconic Garden State Parkway Logo, which mark it has been using in connection with its highway management and maintenance services and travel information services, since at least as early as 1956. Our client's Garden State Parkway Logo is depicted below:



WOLFF & SAMSON PC

One Boland Drive, West Orange, NJ 07052 • (973) 325-1500 • Fax: (973) 325-1501
140 Broadway, 46th Floor, New York, NY 10005 • (212) 973-0572
128 West State Street, Suite 3, Trenton, NJ 08608 • (609) 396-6645

www.wolffsamson.com

4560323.1

WOLFF • SAMSON
Mr. Paul DiMatteo
April 16, 2014
Page 2

NJTA is the owner of United States Trademark and Service Mark Registration No. 2,452,349 for its Garden State Parkway Logo in International Class 37 for highway management and maintenance services; and in Class 39 for travel information services. A printout from the United States Patent & Trademark Office's Online Database of our client's registration is attached hereto as **Tab A**. In addition, our client sells a wide variety of merchandise bearing its Garden State Parkway Logo mark and is the owner of several pending United States Trademark applications covering these categories of goods.

As we are sure you can appreciate, NJTA has invested a substantial amount of time, money and other resources advertising, promoting, marketing and publicizing its services provided under the Garden State Parkway Logo mark. As a result of NJTA's substantial advertising, marketing and promotional efforts, the Garden State Parkway Logo mark has acquired substantial consumer recognition and good will. The Garden State Parkway Logo mark has become an important source indicator which identifies NJTA's services to consumers and motorists both in the State of New Jersey, and elsewhere throughout the United States. For all of the foregoing reasons, the Garden State Parkway Logo mark is an exceedingly valuable asset of NJTA.

It has been brought to our attention that you are utilizing a logo mark that incorporates our client's Garden State Parkway Logo mark in connection with a pizza restaurant (where the food is marketed as "Authentic Italian Food from Jersey") located in Tavernier, Florida. Your logo mark is depicted below:



In addition, you are selling merchandise bearing this logo and advertising the sale of these goods on your website. Moreover, you are offering third parties the opportunity to open franchises of your restaurant where this mark will be utilized. Attached hereto at **Tab B** are screen shots from your website and Facebook page demonstrating your use of the aforementioned logo.

Our client has a duty to protect its valuable mark against unauthorized third party uses it does not control and must therefore insist that you discontinue any and all use of the above-referenced logo in connection with your goods and services.

We sincerely hope that you will understand our client's position and obligation to protect its mark and will cooperate with this request. If you confirm in writing that no further uses of the complained of logo will be made and immediately remove the logo from your website, all social media sites as well as all of your advertising and promotional materials, and agree to

WOLFF • SAMSON
Mr. Paul DiMatteo
April 16, 2014
Page 3

immediately discontinue selling any merchandise bearing this logo via your restaurant, website or any other outlet, we can resolve this matter without resort to litigation. If you do not cooperate and comply with these requests, our client will have no other choice but to commence legal action against you for Federal service mark infringement, unfair competition and dilution.

We will anticipate your immediate compliance and cooperation.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter E. Nussbaum", written over a light blue horizontal line.

Peter E. Nussbaum

TAB A

4/14/2014

Trademark Electronic Search System (TESS)



United States Patent and Trademark Office

[Home](#) | [Site Index](#) | [Search](#) | [FAQ](#) | [Glossary](#) | [Guides](#) | [Contacts](#) | [eBusiness](#) | [eBiz alerts](#) | [News](#) | [Help](#)

Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Mon Apr 14 03:10:38 EDT 2014

TESS HOME	NEW USER	STRUCTURED	FREE FORM	BROWSE DICT	SEARCH OG	BOTTOM	HELP	PREV LIST	CURR LIST
NEXT LIST	FIRST DOC	PREV DOC	NEXT DOC	LAST DOC					

Please logout when you are done to release system resources allocated for you.

List At: _____ OR to record: _____ **Record 14 out of 16**

(Use the "Back" button of the Internet Browser to return to TESS)



Word Mark GARDEN STATE PARKWAY

Goods and Services IC 037. US 100 103 106. G & S: HIGHWAY MANAGEMENT AND MAINTENANCE SERVICES. FIRST USE: 19560000. FIRST USE IN COMMERCE: 19560000

IC 039. US 100 105. G & S: TRAVEL INFORMATION SERVICES. FIRST USE: 19560000. FIRST USE IN COMMERCE: 19560000

Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Search Code 01.17.11 - Maps of states of the United States, excluding Texas
 26.01.04 - Circles with two breaks or divided in the middle
 26.01.18 - Circles, three or more concentric; Concentric circles, three or more; Three or more concentric circles

Serial Number 75575699

Filing Date October 22, 1998

Current Basis 1A

Original Filing Basis 1A

Published for Opposition February 27, 2001

Registration Number 2452349

Registration Date May 22, 2001

Owner (REGISTRANT) NEW JERSEY HIGHWAY AUTHORITY STATE AGENCY NEW JERSEY The

4/14/2014

Trademark Electronic Search System (TESS)

Garden State Arts Center P.O. Box 5050 Woodbridge NEW JERSEY 070955050

(LAST LISTED OWNER) NEW JERSEY TURNPIKE AUTHORITY STATE AGENCY NEW JERSEY P.O. BOX 5042 WOODBRIDGE NEW JERSEY 07095

**Assignment
Recorded**

ASSIGNMENT RECORDED

Attorney of Record

PETER NUSSBAUM

Type of Mark

SERVICE MARK

Register

PRINCIPAL-2(F)-IN PART

Affidavit Text

SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20110728.

Renewal

1ST RENEWAL 20110728

Live/Dead Indicator

LIVE

Distinctiveness**Limitation**

as to "GARDEN STATE PARKWAY"

Statement

TESS HOME	NEW USER	STRUCTURED	FREE FORM	BROWSE DICT	SEARCH OG	TOP	HELP	FEEDBACK	CURR LIST
NEXT LIST	FIRST DOC	PREV DOC	NEXT DOC	LAST DOC					

[|.HOME](#) | [SITE INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)

TAB B



